

REMARKS/ARGUMENTS

This is in response to the Office Action of February 9, 2006. The period of response has been extended by two (2) months to July 9, 2006 by the enclosed Petition for Extension of Time. In that Office Action the Examiner rejected claims 54 and 55 under 35 U.S.C. 103 as being unpatentable over Wang et al. (WO/98/56312) in view of Jamiolkowski et al. (4,889,119).

The rejection of claims 54 and 55 under U.S.C. 103(a) as being unpatentable over Wang et al. (WO98/46312) in view of Jamiolkowski et al. (U.S. 4,889,119) is respectfully traversed.

Applicants respectfully submit that neither Wang et al. nor Jamiolkowski et al., either alone or in combination, disclose or suggest Applicants' claimed invention.

Applicants' invention is a stent having a tubular structure. The Applicants' stents are made from a biodegradable tubular member having an inner biodegradable core and a biodegradable outer section covering the exterior surface of the inner core. The biodegradable outer section comprises two separate biodegradable components. The degradation rate of the outer section is lower than the degradation rate of the inner core. Although Wang et al. disclose a stent, Wang et al. do not contemplate Applicants' stent having a tubular member with a biodegradable core covered by a second biodegradable outer material or section. Wang et al. so disclose a spiral coil made from multi-layer strips on Pages 6-7, but do not disclose Applicants' tubular members having inner cores. The strips of Wang et al. do not have cores. In further distinction to Applicants' invention, the stents of Wang et al. are required to be expandable or self-expanding, whereas Applicants' stents are not. Jamiolkowski et al. disclose a surgical fastener that is biodegradable. Jamiolkowski et al. do not disclose or contemplate stents. Jamiolkowski does not disclose biodegradable components having an inner core with a first degradation rate and an outer section with a second degradation rate. The combination of Jamiolkowski et al. and Wang et al. would not produce Applicants' invention, and the Examiner has pointed to no teaching or reference suggesting the desirability of combining the references.

It can be seen that Applicants' novel invention is neither disclosed nor suggested by either reference, either alone or in combination.

Accordingly, the Examiner is respectfully requested to withdraw this rejection.

Therefore, on the basis of the foregoing discussion, the Examiner is respectfully requested to withdraw his rejections and allow the claims of record.

Respectfully submitted,

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